

**United States District Court**  
**Western District of Texas**  
**El Paso Division**

FILED

Sep 7 2010

Clerk, U.S. District Court  
 Western District of Texas

By: 

Deputy

USA

vs.

(1) JOSEPH ANDREW HUERTA

§  
 § CRIMINAL COMPLAINT  
 § CASE NUMBER: EP:10-M -04763(1) ML  
 §  
 §

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about September 04, 2010 in El Paso county, in the WESTERN DISTRICT OF TEXAS defendant(s) did, (track statutory language of offense) **violated the requirement to enter the United States only at a border crossing point designated by the Secretary of the Treasury and immediately report the arrival and present himself/herself, and all articles accompanying him/her for inspection to the customs officers at the customs facility designated for that crossing point**

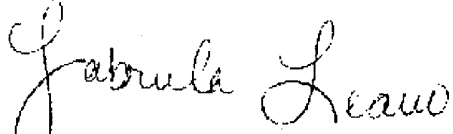
in violation of Title 19 United States Code, Section(s) 1459(a)

I further state that I am a(n) Border Patrol Agent and that this complaint is based on the following facts: "**DEFENDANT was arrested on September 4, 2010 after he knowingly and willfully violated the requirement to enter the United States only at a border crossing point designated by the Secretary of the Treasury to wit: The DEFENDANT, JOSEPH ANDREW HUERTA, a United States Citizen failed to immediately report his arrival and present himself, and all articles accompanying him for inspection to the customs officers at the customs facility designated for that crossing point.**"

Sworn to before me and subscribed in my presence,

September 7, 2010  
 File Date

MARGARET F. LEACHMAN  
 U.S. MAGISTRATE JUDGE

  
 Signature of Complainant

at EL PASO, Texas  
 City and State

  
 Signature of Judicial Officer

CONTINUATION OF CRIMINAL COMPLAINT - EP:10-M -04763(1)

WESTERN DISTRICT OF TEXAS

(1) JOSEPH ANDREW HUERTA

FACTS (CONTINUED)

all articles accompanying him for inspection to the customs officers at the customs facility designated for that crossing point.

On September 4, 2010, Border Patrol Agent Jose Garcia, Jr., was assigned to the sky tower camera east of Salcido Road in San Elizario, Texas. At approximately 1:00 am, Agent Garcia observed a subject crawling north from the Rio Grande River 6.1 miles east of the Paso Del Norte Port of Entry, into an area saturated with heavy brush. This area is immediately north of the Rio Grande River which served as the boundary between the United States and Mexico. Agents Jesus Audiffred and Marcos Marquez responded to the area and discovered a subject, later identified as the DEFENDANT, attempting to conceal himself in the thick brush. Agents Audiffred and Marquez identified themselves to the DEFENDANT as United States Border Patrol Agents and questioned the subject as to his citizenship and nationality. The DEFENDANT claimed to be a United States citizen and freely admitted to the agents that he had just entered the United States illegally by wading the Rio Grande River from Mexico. The subject was taken into custody and transported to the Ysleta Port of Entry for processing. At the Ysleta Port of Entry, the DEFENDANT was enrolled into the ENFORCE/IDENT/IAFIS system. The DEFENDANT was advised of his rights via I-214, which he acknowledged by signing. El Paso Sector Radio Communications was contacted and records checks were requested on the DEFENDANT which returned negative.

IMMIGRATION HISTORY:

NONE

CRIMINAL HISTORY:

NONE